



U.S. Department of Justice

United States District Court
Southern District of New York

USDC SDNY

DOCUMENT

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86 Chambers Street
New York, New York 10007

December 9, 2022

By ECFThe Honorable Analisa Torres
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007Re: *Rahsaan Butler v. United States of America*, No. 22 Civ. 1997 (AT)

Dear Judge Torres:

This Office represents the United States of America (the "Government") in the above-referenced action brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671 *et seq.* We write to respectfully request a thirty-day extension of time, from December 14, 2022, to January 13, 2023, to file the Government's response to the amended complaint. We also respectfully request, on behalf of Plaintiff and the Government, a one-week extension of time, from January 6, 2023, to January 13, 2023, for the parties to submit a joint letter and proposed Case Management Plan and Scheduling Order. *See* ECF No. 21.

On November 15, 2022, the Government moved to dismiss the complaint. *See* ECF Nos. 23, 24. On November 30, 2022, Plaintiff filed an amended complaint. *See* ECF No. 25. After reviewing the amended complaint, the Government has determined that it will answer the amended complaint rather than move to dismiss. Because the amended complaint raises additional facts and allegations, however, the Government requires additional time to confer with the Bureau of Prisons to respond to the amended complaint. Accordingly, the Government respectfully requests an additional thirty days to submit its response. In addition, in light of the proposed date for the Government to answer, the parties request that the deadline for the parties to submit a proposed Case Management Plan and Scheduling Order be extended to the same date that the answer is due.

This is the Government's first request for an extension of time to respond to the amended complaint. Plaintiff consents to this request. The Court has granted five prior on-consent requests for extensions by the parties regarding the proposed Case Management Plan and Scheduling Order.

We thank the Court for its consideration of this request.

GRANTED. By **January 13, 2023**, the parties shall submit a joint letter and proposed case management plan. By **January 13, 2023**, the Government shall respond to the amended complaint. Accordingly, the Government's motion to dismiss, ECF No. 23, is **DENIED** as moot.

The Clerk of Court is directed to terminate the motion at ECF No. 23.

SO ORDERED.

Dated: December 12, 2022
New York, New York

ANALISA TORRES
United States District Judge